

**CITY OF DANA POINT  
AGENDA REPORT**

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**DATE:** JUNE 13, 2016

**TO:** DANA POINT PLANNING COMMISSION  
URSULA LUNA-REYNOSA, DIRECTOR  
DANNY GIOMETTI, ASSISTANT PLANNER

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT

**SUBJECT:** REVIEW OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT CDP16-0011(A) TO PERMIT THE DEMOLITION OF AN EXISTING, SINGLE-FAMILY RESIDENCE AND; THE CONSTRUCTION OF A NEW, SINGLE-STORY, SINGLE-FAMILY RESIDENCE.

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**RECOMMENDATION:** That the Planning Commission review and affirm the Director of Community Development's approval of Administrative Coastal Development Permit CDP16-0011(A)

**APPLICANT:** Richard K. Natland, Architect

**OWNER:** Neal and Sally Cohen

**REQUEST:** Coastal Development Permit CDP16-0011(A) to permit the demolition of an existing, single-family residence and the construction of a new, single-story, single-family residence.

**LOCATION:** 32552 Balearic Road (APN 670-042-07)

**NOTICE:** On May 31, 2016, a Notice of Application for an Administrative Coastal Development Permit was posted at the project site. There are no persons known to be of interest (as defined in Section 9.69.110 (c) (2) of the Dana Point Municipal Code), and so no such notices have been mailed.

**ENVIRONMENTAL:**

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has analyzed the subject project. Staff finds the project is Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures).

**ITEM #2**

**ISSUES:**

1. Does the project satisfy all the findings required pursuant to the City's Municipal Code for approval of an Administrative Coastal Development Permit?

**BACKGROUND AND DISCUSSION:**

The subject application proposes the demolition of an existing 2,633 square foot single-family residence and the construction of a new, 2,903 square foot, one story, single-family residence on land located within the Coastal Overlay District (The CA Coastal Zone), but outside the Coastal Commission appeals jurisdiction.

The subject property itself is a through-lot, fronting Balearic Road to the north-west and Crete Road to the south-east. Most of the property comprises a fairly steep slope (terminating at Crete Road) and covered by landscaping. The property is surrounded on all sides by existing, single-family residential development.

The proposed structure would be comprised of two bedrooms and various accessory rooms for a total 2,903 square feet of habitable space. Additionally, the owner has proposed to maintain the existing 620 square foot, attached garage. The structure would be single-story, stand approximately 15 feet in height (as measured from the structure's existing finished pad) and cover approximately 19 percent of the subject property. This scope-of-work and project location meet all criteria for application for an Administrative Coastal Development Permit CDP(A) as enumerated in Section 9.69.110 of the Dana Point Municipal Code.

**Coastal Development Permit CDP16-0011(A)**

Pursuant to Section 9.69.030 (Authority to Grant Permit), the Director of Community Development shall have the authority to conditionally approve coastal development permits without a public hearing for applications for individual single family residences which are not located with the appeals area of the Coastal Overlay District. The subject application proposes the demolition of an existing single family dwelling with the exception of an attached garage and the construction of a new single family dwelling. Therefore, the proposed scope-of-work meets all criteria for application of an Administrative Coastal Development Permit CDP (A) provided in Section 9.69.110 of the DPZC.

Section 9.69.070 of the DPZC stipulates a minimum of seven findings to approve a CDP, requiring that the project:

1. *Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code;*
2. *Be in conformity with the public access and public recreation policies of Chapter*

*Three of the Coastal Act;*

3. *Not adversely affect marine resources;*
4. *Not adversely affect recreational or visitor-serving facilities or coastal scenic resources;*
5. *Be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources;*
6. *Minimize alterations of natural landforms;*
7. *Be visually compatible with the character of surrounding areas.*
8. *Be in conformance with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.*

Supportive findings have been made for the conditionally approved administrative CDP and are detailed in the attached permit.

**CONCLUSION:**

As part of the conditional approval, the Community Development Director found that the subject project conforms to the development standards of the Municipal Code and Local Coastal Program. If one-third or more of the full membership of the Planning Commission so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application subject to all provisions of Section 9.69.110 of the DPZC.

This permit shall be reported to the Planning Commission at the following time and place:

***Monday, June 13, 2016 at 6:00 PM (or as soon thereafter as possible)***  
*City of Dana Point City Council Chambers*  
*33282 Golden Lantern*  
*Dana Point, CA 92629*

  
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Danny Giometti  
Assistant Planner

  
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Ursula Luna-Reynosa, Director  
Community Development Department

**Supporting Documents:**

1. Administrative Coastal Development Permit CDP16-0011(A)

June 13, 2016

Richard K. Natland  
9 Windsor  
Newport Beach CA 92660

**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT CDP16-0011(A)**

**APPLICANT/ OWNER:** Richard K. Natland/ Neal and Sally Cohen

**LOCATION:** 32552 Balearic (APN 670-042-07)

**REQUEST:** A request to permit the demolition of an existing, single-family residence and; the construction of a new, single-story, single-family residence.

**ENVIRONMENTAL:** The project is Categorically Exempt from the provisions set forth in the California Environmental Quality Act (CEQA) per Section 15303 (Class 3 – New Construction or Conversion of Small Structures).

**DETERMINATION:** The Community Development Director hereby  
\_\_\_\_\_ APPROVES  
\_\_\_\_\_ DENIES  
the requested Administrative Coastal Development Permit described herein subject to the attached findings and applicable conditions.

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Ursula Luna-Reynosa, Director  
Community Development Department

## Administrative Coastal Development Permit (CDP16-0011(A))

### Findings:

- 1) That the proposed development is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code **in that the approval of an administrative coastal development permit is required for the construction of a new single family dwelling located inside of the coastal overlay boundary but outside of the coastal appeals jurisdiction.**
- 2) That the proposed development is located within the Coastal Overlay District and is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act **in that any proposed development would not alter existing public access or public recreation areas in the vicinity.**
- 3) That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment **in that the subject project qualifies for a Class 3 Exemptions pursuant to Section 15303 (a) (New Construction or Conversion of Small Structures).**
- 4) That the proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area **in that the subject project proposes demolition of an existing, and the construction of a new single-family residence located where no public accessway exists.**
- 5) That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that the subject property is an already developed parcel containing no environmentally sensitive habitat (ESHA) and accordingly, the proposed improvements will not result in adverse impacts.**
- 6) That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards **in that the subject site is an already developed property that is being constructed on existing foundation; and the proposed additions will be designed in**

**conformance with applicable regulations for flood and fire hazards.**

- 7) That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and/or enhance visual quality **in that the scale and architectural style of the proposed, new residence are consistent with other residential structures in the surrounding neighborhood.**
- 8) That the proposed development will conform to the General Plan, Zoning Code, Local Coastal Program, applicable Specific Plan(s), or other, applicable adopted plans and programs **in that the proposed project has been reviewed by the Planning and Building/Safety Divisions, as well as the Public Works/Engineering Department for conformance with applicable documents and subject to conditions of approval, been found consistent.**

Conditions:

The City of Dana Point does hereby grant approval for the applicant to demolish an old and construct a new single family home. This permit is valid subject to the following conditions of approval:

**General:**

- 1) Approval of this application permits the demolition of an existing and construction of a new single family home while leaving the existing garage on a previously developed lot located at 32552 Balearic Road.  
  
Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point Local Coastal Program and the General Plan.
- 2) Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.
- 3) The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall

be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.

- 4) Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
- 5) The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify and hold harmless the city shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action or proceeding.

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions or proceedings against the City, its officers, employees, or agents arising out of or resulting from negligence of the applicant or the applicant's agents, employees or contractors. Applicant's duty to defend, indemnify and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding.

The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

- 6) The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
- 7) The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
- 8) This resolution shall be copied in its entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans



submitted to the City of Dana Point Building/Safety Division for plan check.

- 9) All documents prepared by a professional shall be wet-stamped and signed.
- 10) The construction site shall be posted with signage indicating that construction not commence before 7:00 AM and must cease by 8:00 PM, Monday through Saturday, with no construction activity permitted on Sundays or Federal holidays.
- 11) The applicant shall be responsible for coordination with SDG&E, AT&T California and Cox Communication Services for the provision of electric, telephone and cable television services.
- 12) Building materials, unlicensed vehicles, portable toilets, and similar items shall not be placed in the public right-of-way.

**At submittal for Building Plan Check:**

- 13) Building plan check submittal shall include three sets of the following construction documents:
  - a. *Building Plans*
  - b. *Energy calculations*
  - c. *Structural Calculations*
  - d. *Soils/Geology Report*
  - e. *Drainage Plan*

All documents prepared by a professional shall be wet-stamped and signed.

- 14) Fire department review is required. Submit three (3) separate sets of building plans directly to the Orange County Fire Authority for review and approval.
- 15) Fire sprinkler system is required or waiver from the Fire Chief (All new residential; all new commercial groups A, I, E, & H and groups B, F, M & S exceeding 1,000 s.f. and U-1 exceeding 6,000 s.f.; Additions that increase the total floor area by 50% or 750 s.f. in a two year period or a second story addition regardless of s.f. or an alteration of 50% or greater in a two year period or any building that has fire sprinklers already installed).
- 16) Building(s) shall comply with 2013 California Codes of Regulations Parts 1-12 and any local amendments thereto. Building(s) shall comply with 2013 T-24 Energy Conservation Regulations.

- 17) Minimum roofing classification is A.
- 18) Undergrounding of all onsite utilities is required. An Approved SDG&E Work Order and Undergrounding Plan is required prior to permit issuance.
- 19) Foundation system to provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w.c. ration of 0.45, F'c pf 4500 psi
- 20) Project is in/ adjacent to a very high fire, hazard severity zone. Show conformance to CBC Chapter 7A (VHFHS Zone).

**Prior to Issuance of a Building Permit:**

- 21) Verification of all conditions of approval is required by all City Departments.
- 22) All approvals from outside Departments and Agencies are required.
- 23) "Rough Grad/Pad Certification" or "Grading Release Form" is required from City Engineer.
- 24) All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
- 25) Separate review, approval and permits are required for fire sprinklers, demolition, separate structures, retaining walls and site walls over 3 feet.

**Prior to Final Inspections and/or Project Sign-off by City Staff and/or issuance of a Certificate of Occupancy:**

- 26) Revised plans showing any changes must be submitted for review and approval prior to the commencement of construction.
- 27) Prior to commencement of framing, the applicant shall submit a Foundation Certification, by survey that each structure will be constructed in compliance with the dimensions shown on plans approved by the City, including finish floor elevations and setbacks to property-lines included as part of SDP15-0016(M). The City's standard "Line and Grade Certification" Form shall be obtained from the Project Planner, prepared by a licensed civil engineer/surveyor and shall be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval.
- 28) Prior to a release of the roof sheathing inspection, the applicant shall certify by a survey or other appropriate method that the height of each structure complies with plans approved by the City. The City's standard "Height

Certification” Form shall be obtained from the Project Planner, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building/Safety and Planning Divisions for review and approval before release of final roof sheathing is granted.

- 29)** The applicant shall contact the Planning Division to conduct an inspection of the completed project prior to contacting the Building/Safety Division for final project sign-off. In addition to completion of the approved project scope-of-work, at a minimum, all new landscaping proposed in the front one-half of the subject property shall be installed prior to calling for this inspection.

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